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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GIL CROSTHWAITE, et al., as Trustees of the  
OPERATING ENGINEERS HEALTH AND  
WELFARE TRUST FUND FOR NORTHERN  
CALIFORNIA; et al.,

Case No.: C08-0680 PJH

**NOTICE OF VOLUNTARY DISMISSAL**

Plaintiffs,

v.

HAMMANS INC., and JAMES DEAN  
HAMMAN,

Defendants.

PLEASE TAKE NOTICE that pursuant to F.R.C.P., Rule 41(a)(1), plaintiffs GIL CROSTHWAITE and RUSS BURNS, in their respective capacities as Trustees of the OPERATING ENGINEERS HEALTH AND WELFARE TRUST FUND FOR NORTHERN CALIFORNIA, et al., voluntarily dismiss, without prejudice, their claim against defendants HAMMANS INC., and JAMES DEAN HAMMAN, individually. Defendants have neither served an answer nor moved for summary judgment, and plaintiffs have not previously filed or dismissed any similar action against defendants.

**NOTICE OF VOLUNTARY DISMISSAL  
CASE NO.: C08-0689 PJH**

1 Defendants entered into a Stipulation for Entry of Judgment ("Stipulation") establishing a  
2 payment plan to satisfy the amounts owed by defendants to plaintiffs in this current action.  
3 Plaintiffs will only file the Stipulation should defendants fail to make any payment required under  
4 the Stipulation.

5 It is therefore requested that this action be dismissed without prejudice, and that the Court  
6 shall retain jurisdiction over this matter.  
7

8 I declare under penalty of perjury that I am the attorney for the plaintiffs in the above  
9 entitled action, and that the foregoing is true of my own knowledge.

10 Executed this 26<sup>th</sup> day of June, 2008, at San Francisco, California.  
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SALTZMAN & JOHNSON  
LAW CORPORATION

15 By: \_\_\_\_\_ /s/ \_\_\_\_\_  
16 Michele R. Stafford  
Attorneys for Plaintiffs  
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18 IT IS SO ORDERED.  
19

This case is dismissed without prejudice and the Court shall retain jurisdiction over this  
matter.

21 Date: \_\_\_\_\_  
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UNITED STATES DISTRICT COURT JUDGE  
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**NOTICE OF VOLUNTARY DISMISSAL  
CASE NO.: C08-0689 PJH**

## PROOF OF SERVICE

I, the undersigned, declare:

I am a citizen of the United States and am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

On June 26, 2008, I served the following document(s):

## **NOTICE OF VOLUNTARY DISMISSAL**

on the interested parties in said action by placing a true and exact copy of each document in a sealed envelope with postage thereon fully prepaid, in a United States Post Office box in San Francisco, California, addressed as follows:

**James D. Hamman  
Agent for Service of Process  
Hamman's Inc.  
9550 Occidental Road  
Sebastopol, California 95472**

**James D. Hamman  
9550 Occidental Road  
Sebastopol, California 95472**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 26<sup>th</sup> day of June, 2008, at San Francisco, California.

/s/ \_\_\_\_\_  
Vanessa de Fábrega